

SENATE BILL 1426
By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8,
relative to the Tennessee Claims Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-301, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created an administrative tribunal consisting of four (4) members, one (1) from each grand division of the state, and one (1) designated as a commissioner-at-large, known as the Tennessee claims commission.

SECTION 2. Tennessee Code Annotated, Section 9-8-302, is amended by adding the following new subdivision (b)(3) as follows:

(3) In order to implement the position of commissioner-at-large, the commissioner-at-large shall be appointed to a six (6) year term.

SECTION 3. Tennessee Code Annotated, Section 9-8-302, is further amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Each commissioner shall have resided in Tennessee for five (5) years prior to appointment, and shall have been licensed to practice law in Tennessee for at least five (5) years prior to appointment. Each commissioner appointed from the grand divisions shall have resided in the division from which such commissioner is appointed for one (1) year prior to appointment. The sole residency requirement for the commissioner-at-large is that such commissioner shall have resided in Tennessee for five (5) years prior to

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appointment. No commissioner may practice law while serving on the commission. The commissioners shall discontinue the practice of law as soon after their appointments as is practicable. The commissioners shall comply with the standards of conduct contained in the Code of Judicial Conduct of the Rules of the Tennessee supreme court.

SECTION 4. Tennessee Code Annotated, Section 9-8-305, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Throughout the state, each commissioner shall have the authority to hear and determine claims against the state falling within the categories enumerated in Section 9-8-307. The purpose of this statewide authority is to enable the commission to respond appropriately to matters such as recusal and workload adjustment. The hearing and determination of claims arising in a particular grand division shall remain the primary responsibility of the commissioner appointed from that grand division. In consultation with the commissioner-at-large, the commissioners from the three (3) grand divisions shall assign or transfer an appropriate portion of claims from the grand divisions to the docket of the commissioner-at-large. Every reasonable effort shall be made to maintain an approximately equal workload among all of the commissioners. In this assignment or transfer process, consideration shall be given to the total number of claims, the types of claims, and the amount of travel involved with respect to the location of the office of the commissioner-at-large. If the commissioners are unable to reach an agreement with respect to the claims to be assigned or transferred to the docket of the commissioner-at-large, the chairperson shall assign or transfer to the docket of the commissioner-at-large an appropriate number of claims.

SECTION 5. Tennessee Code Annotated, Section 9-8-404, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) If the workload of any commissioner becomes excessive, the commissioners shall take appropriate action to make adjustments, subject to the capacity of available resources. If the commissioners are unable to agree concerning such adjustments, the chairperson shall implement appropriate adjustments.

SECTION 6. For the purpose of appointing the new commissioner-at-large, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, including the beginning of the commissioner-at-large's term of office, this act shall take effect on July 1, 1997.